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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-134

12 **ADAM SHANE HUNDLEY**
620 Taylor Trail
13 Murphy, TX 75094
14 **Registered Nurse License No. 713755**

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 10, 2007, the Board of Registered Nursing issued Registered
23 Nurse License Number 713755 to Adam Shane Hundley (Respondent). The Registered Nurse
24 License expired on February 28, 2009, and has not been renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

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• • •

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional States, by any other government agency, or by another California health care professional

1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
2 action.

3 ...

4 "(b) Procuring his or her license by fraud, misrepresentation, or mistake.

5 ...

6 "(e) Making or giving any false statement or information in connection with the application
7 for certificate or license."

8 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

9 8. Code section 4021 states:

10 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section
11 11053) of Division 10 of the Health and Safety Code."

12 9. Code section 4022 provides:

13 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in
14 humans or animals, and includes the following:

15 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without
16 prescription,' 'Rx only' or words of similar import.

17 "(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale
18 by or on the order of a _____,' 'Rx only,' or words of similar import . . .

19 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
20 prescription or furnished pursuant to Section 4006."

21 10. Marijuana is a Schedule I controlled substance as designated by Health and Safety
22 Code section 11054, subdivision (d)(13), and a dangerous drug within the meaning of Code
23 section 4022. It is a hallucinogenic drug.

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1 15. Respondent has subjected his registered nurse license to disciplinary action under
2 Code section 2761, subdivision (b), in that he procured his nursing certification from the Board
3 through misrepresentation. The circumstances are that on or about May 4, 2007, Respondent
4 submitted an Application for Licensure by Endorsement to the California Board, certifying under
5 penalty of perjury that all of the information provided in connection with his application was true,
6 correct, and complete. The application specifically asked Respondent if he had ever been
7 convicted of any offense other than minor traffic violations, and Respondent answered "No."
8 Respondent's denial constitutes misrepresentation in procuring his nursing certification from the
9 California Board because on or about February 7, 2007, Respondent was convicted of "possession
10 of drug paraphernalia," as described in paragraph 13 above.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – False Statement or Information in Application)
13 (Bus. & Prof. Code § 2761, subd. (e))

14 16. Complainant realleges the allegations contained in paragraphs 12 through 15 above,
15 and incorporates them by reference as if fully set forth.

16 17. Respondent has subjected his registered nurse license to disciplinary action under
17 Code section 2761, subdivision (e), in that he made or gave false statements and information to
18 the Board in connection with his application for issuance of his California registered nurse
19 license. The circumstances are set forth in paragraphs 12 through 15 above.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
22 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 713755, issued to Adam
24 Shane Hundley;

25 2. Ordering Adam Shane Hundley to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3;
28

1 3. ... Taking such other and further action as deemed necessary and proper.
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3

4 DATED: August 24, 2011
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Stacie Bern
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
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